

Sixth Appellate District

San Jose, California

MONDAY, JUNE 16, 2003

(no minute approved orders)

TUESDAY, JUNE 17, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Wunderlich, J.; and Jossie M. Casique, Deputy Clerk.

H022752 PEOPLE v. NGUYEN

Cause called and argued by Kurt A. Stiefler appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023212 PEOPLE v. CASTILLO

Cause called and argued by Lark L. Ritson appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021719 H. REED SEARLE v. FISHMAN

Cause called and argued by James L. Stoelker appearing for Appellant and by Mark B. Fredkin appearing for Respondent. Cause ordered submitted.

H021971 PEOPLE v. BEAUMONT INVESTMENTS, LTD., et al.

Cause called and argued by Fredrick A. Jacobson appearing for Appellants and by Kenneth Rosenblatt, Deputy District Attorney, appearing for Respondent. Cause ordered submitted.

H023861 BEAUMONT INVESTMENTS, LTD v. CITY OF SAN JOSE

Cause called and argued by Frederik A. Jacobsen appearing for Appellant and by Margo Laskowska appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Rushing, P.J. takes the bench.

H022866 PEOPLE v. STEVENS

Cause called and argued by Arthur Dudley appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, June 17, 2003 (continued)

H024404 NMSBPCSLDHB v. SUN MICROSYSTEMS

Cause called and argued by Jeffrey Huron appearing for Appellant and by Frank McGowan Hinman appearing for Respondent. Cause ordered submitted.

H024058 NMSBPCSLDHB v. SUN MICROSYSTEMS

Cause called and argued by Jeffrey Huron appearing for Appellant and by Frank M. Hinman appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H023158 CITY OF MARINA, et al. v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

The judgment is reversed as to those portions of the trial court's judgment that (1) require the Trustees to set aside their approval of the EIR and master plan if the Trustees do not adopt mitigation findings in accordance with the judgment and (2) order the Trustees to set aside the adopted statement of overriding consideration (Section 1, subsection (a) and (b) of the judgment. Appellant shall have their costs. (published)
(Rushing, P.J.; I concur: Mihara, J.; Dissenting opinion by Bamattre-Manoukian, J.)
Filed June 17, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H023992 PEOPLE v. RAMIREZ

Cause called and argued by Rex Williams appearing for Appellant and by Jeffrey M. Bryant, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022010 PEOPLE v. JACKSON, JR.

Cause called and argued by Karen Riley appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024187 MORTON v. WAGNER

Cause called and argued by Appellant Walter Wagner, appearing in pro per and by Allen Carl Kaplan appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, June 17, 2003 (continued)

H024701 PEOPLE v. GRINBERG

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed June 17, 2003

WEDNESDAY, JUNE 18, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Mihara, J.; and W. Magsaysay and Jossie Casique, Deputy Clerks.

H024152 PEOPLE v. ALLEGHENY CASUALTY COMPANY

Cause called and argued by Alan E. Nunez appearing for Appellant and by Harrison D. Taylor, Deputy Counsel Counsel, appearing for Respondent. Cause ordered submitted.

H024627 NGUYEN-PLECQ v. NGUYEN

Cause called and argued by Neil Ison appearing for Appellant and by Daniel J. Mash appearing for Respondent. Cause ordered submitted.

H024332 MORRIS, et al. v. STATE OF CALIFORNIA

Cause called and argued by Michael B. Moore appearing for Appellants and by Kenneth G. Nellis appearing for Respondent. Cause ordered submitted. Mihara, J. thereafter leaves the bench and Premo, J. joins the panel.

H025176 MARRIAGE OF BEREZNAK AND HEMINGER

Cause called and argued by appellant Bradley Bereznak, appearing in propria persona, and by respondent Susan Heminger, appearing in propria persona. Cause ordered submitted.

H024450 BROOKS, et al. v. LONGS DRUG STORES OF CALIFORNIA, INC.

H023917 BROOKS, et al. v. SALVATION ARMY

Causes called and argued by James F. Spiering appearing for Appellants, by Heidi Trant appearing for Respondent Longs Drug Stores of California, Inc., and by Victor J. Consentino appearing for Respondent Salvation Army. Matters are ordered submitted. Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Wednesday, June 18, 2003 (continued)

H025422 PEOPLE v. BARRY

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed June 18, 2003

H024019 PEOPLE v. CORTEZ

By the Court*:
Appellant's petition for rehearing is denied.
Filed: June 18, 2003
*Before Rushing, P.J., Premo, J. and Elia, J.

H024561 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed June 18, 2003

H023523 LAW, et al. v. TERAYON COMMUNICATION SYSTEMS, INC., et al.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed June 18, 2003

H024427 HOLMES v. HOLMES

The judgment is affirmed. Costs to Glenn. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 18, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Rushing, P.J.; Elia, J.; Mihara, J.; and Jossie Michel-Casique, Deputy Clerk.

H023552 SCHULZ, et al. v. COOK, et al.

Cause called and argued by Susan R. Reischl appearing for Appellants and by Gerard A. Rose and Benjamin A. Emmert appearing for Respondents. Cause ordered submitted.

H024304 MORRISON, as Trustee, etc., v. DENTISTAT, INC.,

Cause called and argued by Jack S. Chevlen appearing for Appellant and by Jeffry P. Tone appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, June 18, 2003 (continued)

H024053 GREAT AMERICAN INSURANCE COMPANIES v. MARCHANT, et al.,
Cause called and argued by Gregory K. Storey appearing for
Appellant and by Michael A. Barkett and Fredrick W. Smith
appearing for Respondents. Cause ordered submitted.

H024577 DELINGER v. CHINADOTCOM CORP. et al.,
Cause called and argued by Bern Steves appearing for
Appellant and by Clarice C. Liu appearing for Respondents. Cause
ordered submitted. Court adjourns.

H024466 PEOPLE v. MILLER
The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 18, 2003

H023620 JINKERSON v. AUTODISC, INC., et al.
The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed June 18, 2003

THURSDAY, JUNE 19, 2003

H023837 PEOPLE v. MARIANAS
By the Court:

Upon the court's own motion, the submission order in the
above-entitled matter dated April 8, 2003, is hereby vacated.
The court by separate letter issued June 18, 2003, has requested
supplemental briefing from the parties. The cause will be
resubmitted upon completion of supplemental briefing.
Dated: June 19, 2003 Rushing P.J.

H024479 PEOPLE v. MARTINEZ
The judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed June 19, 2003

Sixth Appellate District

San Jose, California

Thursday, June 19, 2003 (continued)

H024979 PEOPLE v. GALDAMEZ

The appeal is dismissed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed June 19, 2003

H025130 In re RYAN R.; DFCS v. ERICA H.

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed June 19, 2003

H024937 In re BIANCA G.; DFCS v. EVELIA C.

The juvenile court's order denying mother's section 388
petition and selecting guardianship as the permanent plan is
affirmed. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed June 19, 2003

FRIDAY, JUNE 20, 2003

(no minute approved orders)